



A LETTER TO THE RIGHT HONOURABLE SPENCER PERCEVAL, of a Particular Class of Poor Livings without Burtl London, for J. Htachard, 1810.

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A LETTER

TO THE

RIGHT HON. SPENCER PERCEVAL.



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RIGHT HONOURABLE

SPENCER PERCEVAL,

ON THE

AUGMENTATION OF A PARTICULAR CLASS

OF

POOR LIVINGS

WITHOUT BURTHENING THE PUBLIC.

LONDON:

PRINTED FOR J. HATCHARD, BOOKSELLER TO HER MAJESTY, 190, OPPOSITE ALBANY, PICCADILLY.



A LETTER,

Sc. Sc.

SIR,

THE immediate occasion of my addressing you, is the motion which you made and carried, in the last Session of Parliament, for the grant of 100,090l. towards the relief of the poorer Clergy. I might have adopted a private channel for the communication of my sentiments, with the certainty that any suggestions upon such a subject would meet with all the attention they might be found to deserve; but I have preferred addressing you in this public manner, because I wished to address myself, not only to you, but to the public. I know enough of your character to believe, that you are superior to the paltry wish of being considered as the sole author of any plan for the general benefit; and that any improvements, to a scheme of yours, would, if they approved themselves to your judgment, be embraced with the same readiness, as if they had originally presented themselves to your own mind: and I am anxious to call to this subject the attention of all those who feel its importance, and whose knowledge and experience may enable them to suggest the best and most practicable remedies for an alarming and acknowledged evil.

In times like the present, the attention of all men is so exclusively directed to the political events of the day, that it is not easy to divert even a portion of it towards any object, however momentous, which is of a less temporary and pressing nature. I observed, however, with much pleasure, that your proposal was received, in both Houses of Parliament, in a manner which proved that it was, in their opinion, both momentous and pressing; and the sentiments of the thinking part of the community have, I believe, cordially concurred with those of the legislature.

Happy as I felt, to perceive these symptoms of awakened solicitude for the support of the Church—and therein, for the best interests of the people—I should have perhaps looked upon the grant, however liberal, as a mere temporary ebullition of feeling, produced by the proof then laid before Parliament of the poverty of a large class of the Clergy, if the

proposal had not been accompanied, on your part, by a declaration, that it was only the precursor of a plan for affording more extensive and permanent relief, not only by pecuniary assistance, but by legislative enactments; and if this declaration had not been received, by persons of all political descriptions, with a general sentiment of approbation.

You abstained, with prudence, at that time, from any disclosure of the nature of the plan, which, at a future period, you hoped to be enabled to propose. But by this declaration much expectation, and much anxiety, has been excited. In the general wish to redeem from poverty the instructors of the people, and to diffuse over a wider circle the benefits of our ecclesiastical establishment, all men concurred. But there were many who felt alarms of a different nature, and quite in contradiction to each other.

Some have been apprehensive, that if you confined yourself entirely to enactments for the distribution of pecuniary relief, the main object in view,—the general efficiency of the Church,—would be imperfectly, if at all, attained. Others have feared, that even the discussion of the subject would give rise to a variety of plausible schemes, which, under the assumed character, or with the real intention,

of improvements, might open the door to innovation, and lead the way to dangerous changes.

Knowing, from their general character, the principles of those with whom you were supposed to consult, as well as your own, I have not partaken of these alarms; but knowing, also, the great difficulty of steering between different extremes, in a matter upon which prejudice, as well as reason, has so often exerted its influence, I have felt no small anxiety to learn what were the outlines, at least, of the plan then under your consideration. My inquiry has not been entirely unsuccessful: and I may, perhaps, at some future period, in the progress of this business, offer some observations, both upon the points which you are said to have touched, and upon those which you are said to have omitted.

The ground-work of your plan is, I understand, a proposal to Parliament to continue, for a certain number of years, an annual grant of 100,000l. towards the relief of the poorer Clergy. Notwithstanding the extent of our expenditure, and the weight of our taxes, there is nothing in the magnitude of this sum which ought to alarm us,—if the distribution of it is wisely arranged; and if the grant is accompanied by such regulations as will insure, in a

considerable degree, the accomplishment of the objects for which it is given. I conceive those objects to be, not only the rescue of the lower class of the Clergy from a degree of penury, which degrades their situation, and disables them from a due exercise of their functions, but the restoration of the Church itself to a portion at least of that efficiency, which (amongst other causes), not only its poverty, but many legislative provisions, said to be the consequences of that poverty, have in a great degree impaired.

The munificence of Parliament must be limited by our means; but were it to be as extensive as the warmest friend of the Church could wish, the present system of pluralities and of exemptions, and licences for non-residence, would, if it remains without revision, go far to counteract, or at least to narrow the benefits, which the most extensive munificence could hold out.

This consideration is so obvious, that it cannot have escaped your notice; and the further development of it would lead me from my present purpose.

That purpose is chiefly to call your attention to a topic, which was much in discussion amongst persons friendly to the general principle of your measure. Why, it was said, when the public is inclined to do so much for the Church, should the Church do nothing for itself?

Some of those who asked this question, grounded it upon such erroneous ideas of the opulence of the Church, that, by undeceiving them in that respect, the extent of their expectations was immediately lowered. Others, who were better informed upon that subject, still persisted in thinking, that the burthen upon the public might, if not entirely removed, be much lightened, by compelling all the richer parts of the Church to contribute towards the relief of the poorer. The principle is certainly plausible; but if acted upon as a principle, and pushed to its utmost extent, it would lead to the reduction of all ecclesiastical preferment to the same level. Were it possible, which it is not, consistently with a due regard to the sacred rights of property, to throw the whole estate of the Church into a common fund, and to divide it in equal shares amongst its professors, the result would be, a very moderate competence to all: but it would also be the destruction of all emulation, of all eminence, of every thing which has been through ages the distinction of our ecclesiastical establishment. We may learn from Hooker, and from Burke, to appreciate its advantages, under all its imperfections: and no man, who is not prepared to carry his ideas of equalization from the Church to the State, and to bury the throne under the ruins of the altar, will seriously entertain an idea, which tends so evidently to the destruction of both. To the friends of both, no answer is necessary; and it is to them alone that I address myself.

It is, however, still urged, by those who are the friends of both, That this principle of equalization is utterly abhorrent to their views; that they feel in their full force the advantages arising from the gradation of ranks and incomes; and should be the most decided enemies to any plan which proposed to abolish, or materially to affect it. But they find, as they imagine, in the measures taken for the relief of the poorer Clergy in the reign of Queen Anne, the adoption of the principle, that what is taken from one part of the Church, may be given to another. The revenue arising from the first-fruits and tenths, which was originally an exaction of the Pope's, was transferred to the Crown by Henry the Eighth; renounced by Mary; reannexed by Elizabeth; and finally appropriated by Queen Anne to its present purpose.— By the act which appropriated this fund, all livings then under 50l. per annum, were discharged from payment: and the revenue arising from the first-fruits and tenths of all benefices above that value, was destined for the augmentation of those which were below it.

Here they find the principle; and they propose to act upon it. The first-fruits and tenths are now paid according to a valuation made in the 26th year of Henry VIII. A.D. 1535. If a new valuation were to be now made, and all livings to be exempted from payment, which are below the income to which it is desirable they should all be raised, the sum arising from such a tax would, it is said, provide sufficiently for the lower classes of the Clergy, without any burthen upon the public.

There is a plausibility in this scheme, which at first sight attracts notice; but, upon a fuller examination, it will be found liable to objections, which overbalance its advantages.

In the first place, it cannot be fairly stated, that the act of Queen Anne gave to one part of the Church what was taken from another. What it gave was, at the time it was given, taken from the Crown.

In the next place, the first-fruits, even as they are now collected, are a heavy imposition. Upon the higher classes of the Clergy, they are at their present amount considerable. They fall to be paid at a time, when the payment is particularly inconvenient. The acquisition of

preferment is in itself expensive. A house to be furnished; an establishment to be formed, or enlarged; the removal of a family; are all sources of expense, which drain the purse of a man upon his first appointment. Debts are incurred, which press heavily upon him at his outset, and perhaps involve him in embarrassments equally hurtful to his credit and his comfort. The income is at best only for life, and does not afford the resources which arise from more permanent revenue. Death, if it follows soon after preferment, leaves a family destitute.

If these evils are in any degree felt, as they certainly are, while the first-fruits are paid upon the present low scale of valuation, they would be utterly intolerable if that valuation were made according to the real value of the benefice. A man would be left without any income for a whole twelvemonth; and that twelvemonth would be the very time when his expenses would be increased.—It is true that four years are allowed for the payment; but this only postpones and diminishes, but does not remove, his difficulties.

The rise of the tenths is liable to many of the same objections. If applied indiscriminately, it would reduce many of the higher offices of the church, which, considering the station of

those who hold them, have even now an insufficient provision, below their proper remuneration. In the lower classes, it would produce, in a degree, the same effect. Many persons would be called upon to contribute largely to the relief of those who are little more in want of it than themselves. Were this increased tax to take place with respect to the present holders of benefices, it would be a direct attack upon private property, held by as good a tenure as any other property in the country.

But, supposing all these objections as light as they appear to be weighty, there is another consideration which proves the gross injustice, and therefore the impracticability of such a plan. These objections would have applied with much force, even if, subsequent to the first valuation, fresh valuations had been made at fixed periods. But now, when above two centuries and a half have elapsed, during which this tax has been considered as invariable; when so large a proportion of livings have become private property, and have passed for a valuable consideration from one purchaser to another, upon the faith of the invariability of this tax; a fresh valuation, for the purpose of increasing the tax, would be an arbitrary seizure of vested estates, for the purpose of throwing upon a particular class of proprietors that burthen which ought to be borne in common. The same reasons which have been held to be decisive against the equalization of the land-tax, (still more glaringly and notoriously unequal than the tenths and first-fruits), are equally applicable to the measure in question.

To those who are desirous, in every proposal respecting the church, insistere super antiquas vias, it is also a strong objection, that, at the different periods when the situation of the clergy has been under the consideration of the legislature, a measure so obvious, and at first sight so plausible, never appears to have been seriously entertained. We must therefore either entirely abandon the hope of deriving any relief from the funds of the church, or we must resort either to reasoning or to history for some better mode. The latter will usually be found upon such subjects the safest instructor. If we follow the footsteps of our ancestors, we shall in general proceed, if not rapidly, at least securely. Our edifice will stand the firmer, if it is erected upon ancient foundations.

With this view I shall almost entirely confine myself, in the remainder of my letter, to an abstract of public documents, and to extracts from such writers as have noticed them. My materials are chiefly drawn from the Journals,

the Parliamentary History, and Bishop Kennett's Case of Impropriations.

It is universally admitted, that the chief cause of the poverty of the church is the extent of appropriations. Wherever the great tithes, or even a portion of them, remain in the hands of the incumbent, his income rises in proportion to the increased value of other property: even where the small tithes only are vested in him, some rise takes place. But in a large proportion of impropriate rectories, the duties of the church are discharged by a perpetual curate, who receives only a fixed salary, and that salary the same as it was at the time of the Reformation.

This evil is of ancient date. Its birth and progress are to be found in Bishop Kennett's Case of Impropriations, from which copious extracts have been inserted in Dr. Burn's Ecclesiastical Law, under the head of Appropriations.

We find from thence, that the monks were the chief possessors of this species of property; and that their example was followed by cathedrals and collegiate bodies, and also by deans, chanters, chancellors, and separate officers.

Complaints were continually made against these encroachments, and various were the attempts to apply a remedy. As early as the

reign of Richard the Second, it was enacted, "that in every licence to be made of the appropriation of a parish church, it should be contained and comprised, that the diocesan of the place shall obtain that the vicar be well and conveniently endowed."-" The ancient state of vicarages," says Dr. Burn, "was the more tolerable, because there was not only a considerable portion for the vicar, but there was a power lodged in the bishop to augment that portion, whenever it appeared to be insufficient. This was the known right, and the constant practice, of the English bishops. Even the common law did allow and inforce this practice; the year books affirming, that the ordinary may increase or diminish the vicar's portion. And, for any thing which appears upon record, though this episcopal right was too often evaded by resort to the see of Rome, yet it was never questioned in any of our ecclesiastical or civil courts before the Reformation."

When the monasteries were dissolved by Henry the Eighth, their property was annexed to the Crown. A great part of it consisted of impropriations. These were granted away, partly to lay proprietors, and partly to cathedrals or collegiate churches. "It has been uniformly held, since that period, by the courts of common law, that all impropriations in the

hands of laymen, are become lay fees; and that the ordinary has therefore no power to make augmentations to vicarages or perpetual curacies, out of any rectory in lay hands."

With respect to rectories vested in spiritual persons, Dr. Gibson says, that "it seems to be agreed on all hands, that the ordinary hath power to oblige spiritual impropriators to augment vicarages; according to the case of Hitchcot and Thornburgh, 9 Car.; where the vicar sued the tenant of the master of the choristers of the church of Sarum (the said master being parson), for addition of maintenance, in the spiritual court; and prohibition was denied, for this reason, that the ordinary might compel the parson to an augmentation, there being such a power reserved to him in all appropriations; and that the lessee (who held for lives according to the statute of 32 Hen. VIII.) came in, subject to the same charge." "It is true," he adds, "that this was an appropriation which had never come to the King by any statute of dissolution; but that circumstance, of having been conveyed to the King, made no difference with regard to the jurisdiction of the Bishop, as long as they were re-conveyed to a spiritual hand; as appears from the case of the Dean and Chapter of St. Asaph, in the 12 Jac."

It is said, however, by Dr. Burn, "that, even

with respect to spiritual impropriations, it may seem, from the entire desuetude of the practice, that the ordinary's power to compel them to augment vicarages, is at least doubtful."

The dissolution of the monasteries, therefore, though it appeared in the first instance to affect the property of the regular clergy only, was a severe blow to the secular clergy, who performed the duties of those parishes of which the monks were the impropriators. While the property was in the hands of the monasteries, the bishops possessed and exercised the right of augmenting the salaries of the parochial priests: since the dissolution, that right has been abrogated, by the courts of common law, with respect to lay impropriations; and with respect to spiritual impropriations, is now supposed to have become obsolete.

Let us look back, however, to the reigns which followed the Reformation, in order to see what steps were taken, or attempted, upon this subject.

An attempt was made by Queen Mary to procure the restoration of Church property: but the attempt was ineffectual. Acts, however, were passed, for extinguishing the first-fruits and tenths, which had been transferred from the Pope to the Crown; and for giving up

to the church, under the discretion of Cardinal Pole, for the augmentation of the livings to which they formerly belonged, all rectories, benefices impropriate, glebe lands, &c. vested in the Crown since the 20th of Henry VIII:

The first act of Queen Elizabeth revested the first-fruits and tenths in the Crown—exempting only vicarages under ten pounds and parsonages under ten marks; -and repealed the act for the restoration of impropriations vested in the Crown; and by a subsequent act, the Queen had authority to take into her hands certain temporal possessions of archbishoprics and bishopries, recompensing the same with parsonages impropriate and tenths. This latter act was carried into execution to a great extent: and many sees were forced to give up lands and manors, and to accept in exchange a species of property, frequently inferior in value, and subject, as was then understood, to the burthen of maintaining the parochial clergy.

The poverty to which the church had been reduced, was, during the whole of that reign, a source of continual complaint. Soon after the accession of James the First, inquiries were instituted to know what churches were impropriated; how the vicarages were endowed; or how the stipendiary curacies were supplied. It

was stated by Lord Chancellor Bacon, that, in his opinion, all the parliaments, since the 27th and 31st of Hen. VIII., who gave away impropriations from the Church, seemed to him to stand in a sort obnoxious and obliged to God in conscience to do somewhat for the Church, to reduce the patrimony thereof to a competence. In the third parliament, a bill was brought into the House of Commons for the augmentation of ministers' livings. Nothing, however, was done.

In the first parliament of Charles I. the state of the Church was one of the earliest topics which came into discussion. On the 11th of July, 1625, a joint petition from both Houses was presented to the King; of which the third article is as follows *.

"That special care be taken to enlarge the preaching of the word of God through all parts of your Majesty's dominions, as being the most powerful method of planting of true religion, and rooting out of the contrary: to which end, among other things, may it please your Majesty to advise the Bishops, by fatherly intreatment and tender usage, to reduce to the peaceable and orderly service of the Church such able

^{*} Lords' Journals, vol. iii. p. 479. Parliamentary History, vol. vi. p. 380.

ministers as have been formerly silenced, that there may be a profitable use of their ministry in these needful and dangerous times; and that non-residence, pluralities, and commendams, may be moderated: where we cannot forbear most humbly to thank your Majesty, for diminishing the number of your chaplains; nothing doubting of your like princely care for the well-bestowing of benefices, both to the comfort of your people, and the encouragement of the Universities, being full of grave and able ministers unfurnished with livings."

To this part of the petition his Majesty replied;

"That his Majesty likes well, so as it be applied only to such ministers as are peaceable, orderly, and conformable to the Church government.—For pluralities, non-residence, and commendams, these are so now moderated, that the Archbishop affirms there be now no dispensations for pluralities granted; nor no man hath now above two benefices, and those not above thirty miles distant. And for avoiding non-residences, the canon in that case provided shall be duly put in execution. For commendams, they shall be but sparingly granted; only in cases where the exility and smallness of the bishopric requires it.—Also his Majesty will cause that the benefices belonging to

him shall be well bestowed. And for the better propagating of religion, his Majesty recommends to the House of Parliament, that care may be taken, and provision made, that every parish shall allow competent maintenance for an able minister; and that the owners of parsonages impropriate would allow to the vicars, curates, and ministers, in villages and places belonging to their parsonages, sufficient stipends and allowances for preaching ministers."

Previous to the presentation of this petition, the House of Commons had directed its attention to the poverty of the Church; and had made an order *, "That information be brought to the House, at our next meeting, by all the Knights of Shires and Burgesses, in the Shires where they dwell, of all such places where there is no usual preaching, and also of all such benefices, or stipends of ministers, as are under the value of fifty pounds per annum; and of what value the impropriations there are."

In the next session, in February 1625-6, Sir Benjamin Rudyeard moved a supply to poor ministers' livings; which motion, together with several others concerning religion, was referred to a Committee: and a bill concerning appropriations and vicarages was read on the 18th of

^{*} July 7th, Commons, p. 806.

April, and committed on the 9th of May.—All further proceedings were stopped by the dissolution of the parliament.

In the session which began in 1627-8, the same subject was taken up by the same gentleman, in a speech which is preserved in the Parliamentary History. A bill was again brought in; but proceeded no further than to a Committee.

At a later period, when parliaments had ceased to be assembled, the prerogative of the Crown and the authority of the Church were called in to remedy the evil.

In 1634 an injunction was sent by the King to all Deans and Chapters, not to let any land upon lease which had not been so let before. This injunction is referred to in a letter of King Charles II., in 1667; but is there quoted imperfectly. It appears evident, however, from the manner in which reference is made to it, that the object in view was to make a better provision for the maintenance of the officiating Clergy.

In 1635*, Archbishop Laud enjoined Williams, Bishop of Lincoln, to make a visitation of his diocese, and to take a particular care of considering the best method how to augment

^{*} Kennett's Case of Impropriations, Appendix No. 14, p. 38.

The correspondence which passed between these prelates clearly proves, that it was the opinion of the Archbishop, grounded upon legal advice (in which, however, lawyers differed), that the power of the ordinary to increase the vicars' stipends, was not taken away by the statute of the 32d Henry VIII. All his council, however, were of opinion, that these (i. e. the impropriations in lay hands), were to be last meddled with.

Upon the second point stated to his Grace by Bishop Williams, "of vicarages endowed upon such rectories as are possessed by Colleges, Bishops, Chapters, Prebendaries, and some other particular persons," the Archbishop answers, "That the course thought on is, that the lessors be desired, as leases determine, and come within their power of renewing, to make addition to the several vicarages, endowed or not endowed, and charge it on the lessee." "And this," the Archbishop adds, "upon due notice, takes; and I, for mine own part, God willing, shall carefully pursue it."

"And where the leases are on lives, or great number of years, there the ordinary may proceed, and *de jure communi* lay an augmentation upon the lessee, rateably to his profits above

his rent; and with such moderation as he thinks fit. And so my Lord Bishop of Salisbury did make an augmentation this very last year. The lessees fled to the Common Pleas for help: there the prohibition was denied: and so was another prohibition, not long before, in the King's Bench: so we have gained two precedents for the strengthening the jus commune in the ordinary: and all my council are of opinion, that this is the best way to go on and gather strength. But then I must tell your Lordship, that this augmentation, made by the Bishop of Sarum, was upon the corps of a Prebend: and upon such kind of lessees will be your Lordship's safest beginning; and then we may go to the laity after, if the law shall so far favour us in this very Christian cause.

"As for the poor stipendiaries, where there are no vicarages endowed, I am not so certainly informed, what there is for the diocesan to make increase. But, methinks, a paritate rationis, the diocesan should have as much, or more, power here, to preserve a poor churchman in livelihood, where there is less allowance than any endowment makes."

The same opinions were held by Morton, Bishop of Durham, upon the authority of Lord Coventry, Mr. Noy, and Sir Henry Martin.— Kennett, p. 145.

The subsequent distractions in Church and State put an effectual stop to all further proceedings in this matter; at least while the Constitution remained entire.

It may, however, be worthy of notice, that one of the proposals directed to be made by his Majesty's Commissioners at the Treaty of Uxbridge was, "That competent maintenance and provision shall be established, by Act of Parliament, to such vicarages as belong to Bishops, Deans, and Chapters, out of the impropriations, and according to the value of those impropriations of the several parishes."

It is observed by Kennett, "that there might be a large account given of several votes, orders, bills, ordinances, compositions, decrees, and other ways and means, of augmenting impropriate cures, and especially in markettowns, by the Parliament, by established Committees, by Cromwell, &c. But the confusion and iniquity of those times could allow nothing to be done in any regular method, and hardly with any good design."

The object of these pages is not to draw your attention to what has been proposed or effected by those who were the enemies of the Church, but by those who were its warmest friends, and in some respects its brightest ornaments. It cannot escape your notice, that although it was their intention to proceed gradually, by methods which they were advised to be legal, to exercise the ancient right of the Bishops over impropriations in lay hands; yet that their first object was to re-assert it, with respect to impropriations in spiritual hands, and specially to those belonging to Prebendsthat they felt and acknowledged the practical difference between the different classes of persons in whom this property was vested-and that in providing for the maintenance of the officiating Clergy, at the expense of those who did not officiate, they believed themselves to be acting in support of the dignity and interests of the Church Establishment.

During the Long Parliament, many advowsons, rectories impropriate, glebe lands, and tithes, were taken from those whom they called delinquents, and granted in part for the augmentation of certain vicarages, and for the maintenance of preaching ministers and lecturers.

By the act 13 and 14 Car. II. c. 25. (in 1662) they were all restored to their lawful owners, to whom the rents reserved were directed to be paid.

The most important proceedings upon this

subject, took place during the sitting of the Convention Parliament.

On the 11th of July, 1660, a bill was brought in, called a "Bill of Sales*." This was to consider the case of those, who had been the purchasers of the King's, Queen's, and Church's lands, during the times of plunder and devastation. On the 6th of August, Mr. Rainsford reported † from the Grand Committee upon that Bill, several votes of that Committee, which were read, and are as followeth:—

"Resolved, That divers leases are made by ecclesiastical tenures, now that they have the bill under consideration; and that the direction of the House be prayed in it.

"Resolved ‡ (upon the motion of Serjeant Maynard, seconded by Sir Allen Brodrick §), That it is the opinion of this House, that all Archbishops, Bishops, Deans and Chapters,

^{*} Parliamentary History, vol. xxii. p. 376.

[†] Commons' Journals, vol. viii. p. 112.

^{*} Commons' Journals, p. 112.

[§] Parliamentary History, vol. xxii. p. 415.—The Parliamentary History states, that a similar motion was made and carried in the House on the same days, previous to the report of the Committee; but of this the Journal takes no notice. The motion made by Serjeant Maynard must, therefore, be that which was agreed to by the House subsequent to the Report of the Committee.

Prebends, and other ecclesiastical persons, be restrained from making any leases or grants of any of the lands, rectories, or tithes, or other property, belonging to any of their offices or churches, until the Bill for Sales, now depending before this House, receive determination.

"Ordered, That a Committee * be appointed, to prepare and bring in a bill for that purpose.

"Resolved, That it be referred to the said Grand Committee to consider of settling a competent maintenance and encouragement, out of any impropriate or appropriate rectories whatsoever, belonging to ecclesiastical persons, for those who shall officiate in the cures of such rectories."

The King†, hearing of these ecclesiastical orders from the House of Commons, thought fit to take the matter into his own hands; and accordingly sent a message the next day, by Sir Allen Brodrick‡, which he was desired to reduce into writing, and was accordingly deli-

^{*} Serjeant Maynard, Mr. Prynne, Mr. Allen, Sir T. Widdington, Sir Heneage Finch, Mr. Charlton, Serjeant Hales, Sir Edward Turner, Mr. Goodrick, Serjeant Glyn, Mr. Bamfield, Mr. Ranesford.

[†] Parliamentary History, p. 417.

[‡] Commons' Journals, p. 113.

vered by him in writing; and is as followeth:—

"I was commanded by his Majesty to inform this House, that his Majesty had written to the several Bishops, Deans, and Chapters, not to let leases of any impropriate tithes, till maintenance were settled on the several vicarages, or curates' places where no vicarages were endowed, to the value of 80l. per annum, or more."

He also presents one of his Majesty's letters:—

" Charles Rex.

"As nothing is more in our desires, than to provide that the Church of England, under our reign, may be furnished with a religious, learned, sober, modest, and prudent Clergy; so we are ready to give encouragement to their labours and studies, in their several degrees and stations; that they may give check to all profaneness and superstition; and do zealously affect to remove all scandal and reproach from them and their calling.

"Conceiving, therefore, a competent maintenance to be a necessary encouragement; and that all other persons, who have power to dispose of tithes, may be invited to cherish learned and godly ministers; we do resolve, that because, where tithes have been appropriated to the support of Bishops, Deans and Chapters, Collegiate Churches, and Colleges, and other single persons, they have not taken due care to provide and ordain sufficient maintenance for the vicars of the respective places, or for the curates where vicarages were not endowed, to settle for the future some good addition and increase on such vicarages and curates' places.

"Our will, therefore, is, That forthwith provision be made for the augmentation of all such vicarages and cures, where the tithes and profits are appropriated to you and your successors, in such manner, that they who are immediately attending upon the performance of ministerial offices, in every parish, may have a competent provision out of every rectory impropriate to your see.

"And to this end, our further will is, that no lease be granted, of any rectories or parsonages belonging to your see, belonging to you or your successors, until you shall provide that the respective vicarages, or curates' places where are no vicarages endowed, have so much revenue in glebe, tithes, or other emoluments, as commonly will amount to fourscore pounds per annum, or more, if it will bear it; and in good form of law settled upon them and their successors.

"And where the rectories are of small value, and cannot admit of such portion to the vicar and curate, our will is, that one half of the profits of such rectory be reserved for the maintenance of the vicar or curate.

"And if any leases or grants of such forenamed rectories have been made by you, since the first day of June last past, and you did not ordain competent augmentations of the vicars and curates, in the respective places, our will is, that out of the fines which you have received, or are to receive, you do add such increase to the vicars and curates as is agreeable to the rates and proportions formerly mentioned.

"And our further will is, that you do employ your authority and power, which by law belongeth to you as ordinary, for the augmentation of vicarages and stipends of curates; and that you do with diligence proceed, in due form of law, for the raising and establishing convenient maintenance for those who attend holy duties in parochial churches.

"And if any Prebendary, in any Church, the corps of whose prebend consists of tithes, shall not observe these our commands, then we require you, or the Dean of that Church, to use all due means in law, where you or he hath power, to compel them; or, otherwise,

that you report to the Bishop of the diocese, where the said corps doth lie, that he may interpose his authority for the fulfilling this our order.

"And if any Dean, or Dean and Chapter, or any that holdeth any dignity or prebend in that Cathedral, do not observe these our commands, that you call them before you, and see this our will obeyed.

"And if you, or any Bishop, do not their duty, either in their own grants, or in seeing others to do it, we will, that, upon complaint, the Archbishop of the province see all performed, according to this our declaration, will, and pleasure.

"And whereas there are divers rural prebends, where the vicarages are not sufficiently endowed; we require you to see that these our commands be fully observed by them.

"And we do declare our will and pleasure, in all the particulars fore-cited, to be, that if you, or any of your successors, or any Dean, or Dean and Chapter, of that our Cathedral Church, or any other person, holding any office, benefice, or prebend in the same, do or shall refuse, or omit, to observe these our commands; we shall judge them unworthy of our future favour, whensoever any preferment ecclesiastical shall be desired from them by us.

"And, lastly, our will and command is, that you, and your successors, do, at or before the first day of October in every year, render an account to the Archbishop of —— how these our orders and commands are observed; and the Archbishop may afterwards represent the same to us.

"By his Majesty's command.

"Edward Nicholas *."

Upon this it was ordered, that the Privy Counsellors and Sir A. Brodrick present thanks for the message, "and the great joy they take in the goodness and favour therein expressed to his people."

"Resolved, That the Committee, to whom the preparing of a bill for restraining the granting leases by ecclesiastical persons, do hasten the perfecting thereof; and that they likewise prepare and bring in another bill, taking notice, in the preamble thereof, of the substance of his Majesty's message this day communicated, and making provision, pursuant thereunto, for settling a competent main-

^{*} N. B. The chief advisers of the King at that time, in ecclesiastical matters, were Lord Clarendon, Archbishop Juxon, and Bishop Sheldon.

tenance, out of impropriations and appropriations, for the persons who shall officiate in the cure on such rectories; and that Sir Heneage Finch do take care hereof." "Ordered, That a copy of his Majesty's letter, this day read, be delivered to Sir Heneage Finch."

It appears from this proceeding, that the King and the Commons equally agreed in the propriety of the measure—that it was not a measure adopted merely in consideration of the large fines to be received by ecclesiastical persons at that particular time; because these fines are only called in aid of the maintenance of the vicars or curates in cases where the ecclesiastical persons had actually leased out their lands without reserving a sufficient maintenance for the officiating minister. It appears, also, that it was not intended as a mere temporary measure, to be adopted once, and afterwards dropped; because the King's orders are addressed, not only to the existing Bishops, but to their successors (who would not benefit by the extraordinary fines); and because the order requires that an annual account of what is done in consequence, shall be given by each Bishop to the Archbishop, for ever.

The Commons probably thought proper, notwithstanding these letters, to proceed with

a bill, from entertaining some doubts of the King's authority to enforce the performance of his orders.

On a subsequent day, the 10th, Mr. Allen was ordered to bring in the bills for restraining the granting leases, and for providing maintenance. The restraining bill was reported, by Colonel King, on the 16th; read a first time; and ordered to be read a second time the next day.

On the 21st, the House resumed the debate upon the amendments, reported from the Committee, to the bill for ministers' livings; which amendments were read, and one resolution passed.

[N. B. It had been voted in that Committee, on the 7th, that no minister was to hold two livings *.]

During the remainder of the session, the House was fully occupied with the bill of indemnity: and no further proceeding appears till the 12th of September, the day before the adjournment, when Sir Heneage Finch reported the draught of an order for moving his Majesty to issue a commission touching sales, &c. to treat with parties, and to prepare something to

^{*} Parliamentary History, p. 413.

offer to both Houses, at their return, for the full settlement of this affair.

"* In pursuance of these royal directions, most of the churches impropriate to episcopal sees were augmented by the worthy bishops of them."—To instance only the dioceses of Canterbury and London. Archbishop Juxon gave above 1100l. per annum to several vicarages and curacies; and Sheldon, while Bishop of London, abated 1680l. in his fines: by which he augmented several vicarages by the sum of 140l. per annum.

"After the good and ill execution of the King's letters, the Parliament thought themselves obliged to make some more effectual provision by law, for the general augmentation of vicarages and insufficient cures: and, indeed, an expectation of their doing this justice was raised among all sorts of people."

The bill for increasing the maintenance of ministers was again taken into consideration, and passed. It received amendments in the House of Lords, which were disagreed to on the 18th of February, and a conference requested.

On the 4th of March another bill was read,

^{*} Kennett's Case of Impropriations, p. 156.

for increasing the maintenance of ministers in corporate towns; and on the 3d of April report was made from the Committee, to which the House agreed *:—

"That the best way to effect what is desired in the bill, is, that the knights, citizens, and burgesses, do inquire the value of all livings in their several precincts contained in the bills; and that they consider of the best expedients for the maintenance of the ministers therein: and to inform the Committee thereof, at their' next meeting after their recess: and they are desired to take copies of the bill, whereby they may inform themselves what was fully intended thereby, and the better to represent how the maintenance of the said ministers may be increased with the greatest ease to the people, and the inconveniencies which may arise from the difference of cases be avoided: and like. wise to inform themselves of the value of other livings out of corporations where the revenue is too small for the support of able ministers, and to offer some expedients for the better providing for them."

This business appears to have been dropped in subsequent sessions. The only provisions made by law, with respect to the possessions of

^{*} Commons' Journals, p. 396."

the Church, were an act for confirming and restoring of ministers, and "a new law, which, however in appearance just and reasonable, did a great prejudice to many parochial cures *"-viz: an act for restoring of all such advowsons, rectories impropriate, glebe lands, and tithes to his Majesty's loyal subjects, as had been taken from them."

There was another act passed in the 17th Charles II. ch. 3. † for uniting churches in cities and towns corporate, which was founded on a just sense "that the settled provision for ministers, in most cities and towns corporate within the realm, was not sufficient for the maintenance of able ministers fit for such places; whereby mean and stipendiary preachers were entertained to serve the cures there, who, wholly depending upon the good-will and liking of their auditors, had been under the temptation of too much suiting their doctrine and teaching to the humour, rather than the good, of their auditors, which had been a great occasion of faction and schism, and of the contempt of the ministry." And yet, after all this just acknowledgment, and "being deeply sensible of the ill consequences thereof, and piously desiring able ministers in such places,

^{*} Kennett, p. 263. + Kennett, p. 265.

and a competent, settled maintenance for them;" there was no other remedy provided but the uniting churches and chapels in cities and towns corporate.

Liberty was further given to all impropriators, where there is no vicar endowed, to settle land or tithes upon the minister; and where the settled maintenance does not amount to 100l. per annum clear, the incumbent may receive or purchase the same, without licence of mortmain.

This shews, that the legislature then thought nothing less than 100l. per annum sufficient; and this proportion had been allotted by the Ordinance for preachers and ministers enacted June 8, 1649*.

"The rural vicars and curates in impropriate rectories, had no other public relief than what had been recommended by the King's letters, in the first year of his restoration, and enjoined to the Bishops and ecclesiastical bodies, as before related; which injunction was so apt to be forgot, or at least remitted, that his Majesty was graciously pleased, within seven years, to renew his letters, and reinforce the execution of them, as follows:

" + Charles, &c. To our trusty and well-beloved,

^{*} Kennett, p. 270. † Kennett, p. 271.

the Dean and Chapter of our cathedral church

of E-, greeting.

"Whereas by an injunction of our late royal father, of most blessed memory, dated June 22, 1634, directed to every Dean and Chapter, it was strictly required, that no estate belonging to the said Church, which was not at that time let for lives, should afterwards be let for lives, &c.&c.

"And whereas we ourselves have, in like manner, by our letters of injunction of Aug. 9, 1660, willed and commanded the Dean and Chapter, and other members of that our church of E, that no lease should at any time be let of any vicarage or rectory, until the vicarage or curacy thereunto belonging should be augmented according to such proportion, and in such manner, as in our said letter is expressed; which said injunction we did likewise command to be registered in the registry of that our Dean and Chapter, that recourse might be thereunto had, if any doubt should arise concerning the premises; which said injunctions, as we are informed, have been, from near the time of their issuing forth, and are still, extant in the said registers, as they ought to be. Considering how much the due and perpetual observation of the said injunctions, both of our royal and blessed father and of ourself, doth and will conduce to the glory

of God, and of that our church of E— in particular; we do hereby command, enjoin, and require, that the abovementioned injunctions shall be from henceforth for ever strictly and inviolably observed, in all the particulars of them, by every person from the highest to the lowest in that our said Church, according to their several concernments respectively. Given under our signets and sign manual, at our Court at Whitehall, the 24th July, in the 19th year of our reign, 1667."

This injunction was sent through the province of Canterbury, by letters from the Archbishop, dated Lambeth House, July 25, 1667. And the same Archbishop Sheldon directed letters, dated 17th September 1670, to the Bishops, Deans, and Chapters of his province, requiring them to give a full account of what they had expended since the Restoration in reparations, charities, benefactions, and especially in the augmentation of vicarages. But Kennett adds, "that he never met with any return made to these mandates. After all this seasonable care of the King and the Archbishop, there wanted some sufficient security in law to make valid, and to perpetuate, the several augmentations that had been so made in pursuance of these injunctions. For either there was found to be a disability or incapacity in the vicar or

curate to receive any such benefit; or the additional provision was made only to the person then upon the cure, without extending to his successors: or at least the vicar or curate could have no convenient remedy at law for the recovery of any rents or pensions so reserved to them: or else the augmentations had been made barely for a term of years, and when soon determined, it would depend upon the pleasure of the next lessors to continue or to defeat them. Their title was subject to these and many other collusions and evasions; which made it proper for the wisdom of the nation to interfere, and to make an act " for confirming and perpetuating augmentations made by ecclesiastical persons to small vicarages and curacies." 1677 *.

The preamble of this act admits the authority by which the injunction was given, and not only confirms all that has been done by divers Archbishops, Bishops, Deans and Chapters, and other ecclesiastical persons, "in obedience to his Majesty's letter, bearing date the 1st June † in the 12th year of his reign, and out of a pious

^{*} Stat. 29 Charles II. ch. 8.

[†] It appears by this date, that the letter was written before the date of its being sent to the House of Commons, which was the 7th of August, and that it was not therefore suggested merely in order to get rid of the bill then pending.

care to improve poor vicarages and curacies;" but, after stating "that whereas, upon their renewing of leases of rectories or tithes impropriate or appropriated, they had made, or may make hereafter, divers reservations beyond the ancient rent, to the intent the same should or might become payable to the said vicars or curates, in augmentation of their endowments," it enacts, that every augmentation so granted or reserved, or hereafter to be granted and made payable, to any vicar or curate, shall for ever continue and remain, in whose hands soever the rectories or portions of tithes shall be, which shall be chargeable therewith, whether the same be received or not.

It further enacts, that the vicars and curates are adjudged to be in actual possession, and to have remedy for the same either by distress upon the rectories or portions of tithes, or by action for debt; the disability of persons, or the statute of mortmain, or other thing, notwithstanding.

The leases are to be entered into a book, to be kept by the register; and the entry attested to be a record. The agreements for augmentation, though not expressed or mentioned in the lease, to be in substance entered in the book, to remain for a memorial to perpetuity, and to And if, upon the surrender or any determination of any lease, wherein any such augmentation has been granted, any new lease of the premises be made, without express continuance of the said augmentation, every such new lease shall be utterly void to all intents and purposes. No future augmentations are to be confirmed by virtue of this act, which exceed one half of the clear yearly value of the rectory impropriate out of which they are granted.

"It might be easy from hence to give account of the several augmentations lately (1704) made and now recorded." In the register of the Bishop of Norwich, it appears that upon renewal of the leases of several impropriate rectories belonging to that bishopric, Reynolds reserved for augmentations 268l. per annum.

Many instances are mentioned by Kennett, in which vicarages were augmented in pursuance of these orders and this act. The vicarage of Great Paxton, by the Dean and Chapter of Lincoln, 75l. per annum; the vicarages of Impington and Stuntney in Cambridgeshire, by the Dean and Chapter of Ely; Codriote, in Hertfordshire, by the Bishop of Ely; Kensworth, in the same county, by the Dean and

Chapter of St. Paul's; as well as Paul's Waldon, Nerford, and Newton, in Suffolk, by the Bishop of Ely.

Many augmentations were also made by Archbishop Sancroft, who also took care that the Archdeacon of Canterbury should, in his leases, reserve additional pensions to the Vicars of Doddington and Lynsted; and that the Rector of Ennesford should (in 1675), reserve a rent to the Vicar, as an augmentation, in pursuance of the King's most gracious letter and declaration to the Bishops, Deans, and Prebendaries.

Kennett adds, that there be many other examples of this beneficence in our Bishops, Deans and Chapters, Colleges, and some other communities; that this has been eminently done in the Sees of Canterbury, York, Lincoln, and Sarum; and that, in the Cathedral Church of Norwich, in a general chapter, an act was made, for increasing the vicarage of Hopton, by letting the rectory to the curate; reserving from him, as an additional rent, oneseventh part of the usual fine for the renewal of the lease at the end of seven years: which rule is recommended to all cathedral and collegiate bodies, as a matter of the highest importance and most considerable service to the Church.

There is no doubt that many instances are to be found, since the time of Kennett, in which similar augmentations have been made; but although it appears evident, from the language of the King's letter in 1660, as well as from the renewal of his injunctions in 1667, and from the act which passed in 1677, that the measure of directing augmentations to vicarages and curacies, to be made by the ecclesiastical persons or bodies, who were possessed of the impropriate rectories, was not a temporary measure, arising merely from a consideration of the large fines which became due at the Restoration, but was intended to be acted upon in perpetuity, and the progress of it marked by an annual account: yet the principle of it has, in a great degree, been forgotten; and the instances in which it has been carried into effect, have been produced rather by the private feelings of the persons concerned, than by any idea that in so doing they were following the injunctions of the Crown, confirmed, though not peremptorily enforced, by the Legislature. Both the King's letters, and the act of Parliament, it is believed, were grown so obsolete, as to be hardly known even to those who might naturally be presumed to be conversant in such subjects.

It is probable that the establishment by act

of Parliament, of the corporation for the relief of the poor Clergy out of the revenue of the first-fruits and tenths, given up by the Crown for that purpose, led all men to think, that the public had taken the matter into their own hands, and that individuals had no further concern in it. At a time when the Legislature has acknowledged the insufficiency of that act for its intended purpose, by granting an additional supply, and may, it is to be hoped, increase and prolong that grant, it may not be useless to revive the recollection of a measure, which was formerly adopted for so good a purpose; and which might again be brought forward, in some shape or other, to accelerate the effect, or diminish the burthen, of any further munificence of Parliament.

If this measure were brought forward in its original shape, it would, in the first place, want the full sanction of law, and therefore be less effectual. In the next, it would fall hard upon persons whose incomes are derived not so much from reserved rents, as from an average of fines, and who have arranged their mode of living according to such average. It would fall particularly hard upon some of the bishoprics, where a very considerable portion of the revenue of the see is derived from impropriate rectories, forced upon them by Queen

Elizabeth, in exchange for estates in land. It would disappoint the reasonable expectations of prebendaries, who receive hardly anything but an occasional fine upon the renewal of a lease. It is also something between a voluntary gift and a compulsory tax, which has neither the grace of the one nor the certainty of the other.

On these grounds it seems probable, that the desired effect would be more generally produced, and produced with less personal objection, if a measure of this nature were to be enforced by positive law; and enforced only upon the future possessors of impropriate rectories. It would be necessary to set a limit to the operation of such an act with respect to bishoprics, in order to avoid any material diminution of their inequality; and particularly any reduction of the incomes of those, which require rather to be permanently increased, by the annexation of some profitable dignities. Some distinction also must be made between those chapters, where the whole income is divided between the prebendaries or canons, and those in which each dignity has a separate corps. But if the principle of the measure is approved, it is not conceived that there would be much difficulty in the details.

The principle of the measure is this: These

possessions came originally into the hands of, ecclesiastical bodies, with the express reservation of providing sufficient ministers for the discharge of parochial duties. The incomes arising from them have kept pace with the depreciation of money. The salaries allotted to the parochial ministers, have not so kept, pace; and do not therefore now furnish sufficient ministers. The obligation under which they are held, is not therefore fulfilled. The discharge of it has been enforced by the injunctions of the Crown, with an authority admitted by the Legislature, which confirmed all acts done or to be done in obedience to these commands. This measure took place at a period when persons the best affected to the Church were the advisers of the Crown; and cannot, therefore, be suspected of having been introduced with any view to its detriment. On the contrary, it has been highly commended by all the writers who have noticed it.

At the periods when it was introduced and repeated, and stated to be intended for perpetuity, no corresponding measure was taken by the legislature, for adding any thing from the public purse towards the relief of the poorer Clergy.

Now that the public are about to take upon themselves the burthen of contributing largely towards the relief of the poorer Clergy, they appear to have a still stronger claim to call upon those ecclesiastical bodies, than they had at the time when the call was first made. The livings of which chapters or prebendaries are the impropriate rectors, are generally in their own gift: they may present them to persons of their own body, or to their friends. By augmenting their income, they either augment their own, or at least that of which they have the disposal.

It is impossible for the public to give so large a sum, as would augment, to the lowest amount of a decent maintenance, all the vicarages and curacies which want it. With the aid to be derived from inviting or compelling ecclesiastical impropriators to discharge the bond fide obligation of their tenure, the effect proposed by the public aid would be accomplished at a less expense, and in a shorter time. If the measure were compulsory, and applied only to future possessors, no individual now holding preferment could be affected by it; and though this postponement would retard the full enjoyment of its benefits by the poorer Clergy, this evil would be compensated by the absence of all personal hardship.

Were it possible for the public to undertake to raise all small livings to a decent maintenance within a reasonable time, it might be argued, that it would be better to leave all ecclesiastical dignities untouched. But this is manifestly impossible. It is argued, that in their present state they are, or may be, the means of adding to the insufficient incomes of the officiating clergy: but the difference is this: In their present state they may be so; under the proposed regulation they must. In their present state, they are more usually additions to sufficient incomes: they would then become the means of raising insufficient incomes to sufficient. After providing for the moderate demands of necessity, enough would remain to answer the purposes, the useful purposes, for which those chapters were endowed: and it may be well worthy their consideration, whether the best means of maintaining that respect which is due to them, is not to shew, that while they perform the duties which are required of them in that capacity, they make sufficient provision for the performance of the not less useful duties of parochial ministers. It should also be recollected that they are required, by the 43d canon, to perform one of these duties, namely, preaching, not only in the cathedral church, but in other churches of the same diocese where they are resident, and especially in those places where they or their church receive any yearly rents or profits. If they are relieved by usage from the discharge of that duty, they are bound to take care that a proper maintenance is secured to those who discharge for them, not only that duty, but every other*.

It may be asked, by those who approve the principle of this measure, why should we stop short in the application of it? Why not call upon the universities, and upon all lay impropriators, for a similar contribution towards the relief of vicars and curates?

The first answer, which applies to both, is this: Neither the Crown nor the Legislature has ever thought fit to do so; not even at the time when property of this description was restored to its possessors, and when obedience to such a call might with justice have been made a condition of the Restoration.

In the next place, as far as regards the colleges in our universities, their revenues are applied, partly to the education of youth, and partly to the direct support of the clergy. If their revenues were reduced, that part of the society, which is educated for the church,

^{*} There is no accurate account, at present, of the number of dignities; but they are, I believe, between 600 and 700. How many of them have impropriate rectories, I do not know. Some have none, others many.

which not only supplies the lower classes, but attains and adorns the highest, would be deprived of the means of education, and, in the earlier part of life, of support. It is the exhibitions, the studentships and fellowships of colleges, which alone afford a supply of ministers for parochial churches. Were any larger proportion of the expence of education thrown upon the parents of young men in a middling rank of life, destined to be clergymen, no succession could be found of persons decently qualified for the discharge of their functions. The difficulty of maintaining this supply is yearly increasing. The number of persons ordained, diminishes year after year. The fellowships, which secure a maintenance to a small proportion of those who are not immediately able to procure ecclesiastical preferment, are a resource, to which they look in the earlier part of their lives, and without which the prospect of advancement would be too uncertain to draw any man of liberal hopes and fair prospects to so unpromising a profession.

In most colleges, the number of lay fellowships is very inconsiderable. The possessors seldom retain them long, but are drawn away to other pursuits. In many colleges, the fellows, at the expiration of a certain number of years, must either resign their fellowships or take orders. In nearly all, the fellows must resign them when they marry; or when they take a living above a certain value. The fellowships, therefore, contribute directly to the support of the clergy; either of those who are not yet provided with any maintenance, or of those who have only one that is insufficient.

On all these grounds, the colleges appear entitled to an exemption, not only from any compulsory call, but even from authoritative exhortation; and there seems no solid reason why the livings, of which they are the impropriators, should not fall to be augmented by the general fund. Where the wealth of particular colleges has increased beyond what is amply sufficient for the purposes it was intended to answer, there is the same call upon their liberality, as upon that of other wealthy persons: the same call, but no other.

With respect to lay impropriators, their case stands upon different grounds. It has been so well stated by the author of "Pluralities indefensible," who was not more a friend to impropriations than to pluralities, that I cannot do better than give you his own words.

After a strong reprehension of the abuse of the church estates seized by Henry VIII.,

by the grant of them to the laity; and after acknowledging and contending that it might have been right, at that time, to have exclaimed against this proceeding of his Majesty, to have opposed it, to have overturned and defeated it, if that could have been done; he puts the following argument into the mouth of the impropriator:

" Since nothing of this kind was at that time attempted; since the people acquiesced in this wrong measure throughout this reign (whether despairing of success, or fearing sufferings if they should not have acquiesced, is not material); since time hath now drawn on to a great length, in which by degrees an opinion, nay even a moral certainty; hath every where prevailed, that these lestates could never more revert to their original use, unless by voluntary donations of pious men, which might be made of other estates as well as these; since innumerable mesne conveyances thereof have ensued, upon a general acceptation that they were now at length grown into the nature of lay estates; since many of them have been purchased in ignorance of what the true nature of them was, and all of them, for these hundred years at least, with an honest intention; and since as great considerations have been given for them as for any other estates, and the

proprietors have had no doubts to make use of them in the same manner as they would of any other, and have occasionally subjected them to incumbrances, marriage settlements, and entails, and even to charitable and pious uses, if not of the original, yet of some other beneficial kind; the present impropriator thinks he hath reason to conclude, that, Quod fieri non debuit, factum valet: what ought not to have been done in the reign of King Henry the Eighth, yet being then done, and not since undone, nor attempted to be undone, nor capable of being undone if it should have been attempted, nor now proper to be undone by a violent attempt, hath gained la sort of validity in conscience as well as in law: and that if a government, after having epermitted so long enjoyment of these estates without interruption, and thereby led many thousands into a belief of the innocence as well las the security of purchasing the like as they had opportunity, should make a law to resume othem, as having been wrongfully granted, and nto replace them to the use of the incumbent (from whom they were, but ought not to have been, taken), it would introduce such a confusion into the affairs of families, and derive such hardships upon one half of the community at least who have any property, clergy as well as

laity, as would disturb the peace of the kingdom to a degree that might make such an alteration a greater public evil than public good."

This argument, though directed against the resumption of the whole of the church property now in lay hands, is equally forcible against the resumption of any part of it. A compulsory increase of the salaries of vicars and curates out of the income of the impropriate rectory, is such a resumption: and an act of parliament which should enforce it, would shake to the foundation the security of all property.

Where, it may be said, is the difference, as to the sacredness of this species of property, whether it be now in the hands of the laity or of the clergy? Is it not, in both cases, founded upon the same laws and guarded by the same sanctions?—Generally speaking, it is; but there is a difference, of which we must not lose sight; a difference both in the nature of the property itself, and in the light in which the Crown and the Legislature have viewed it. All grants of landed property were originally made upon certain conditions. These conditions—such as the services by which feudal tenures were heldhave been either abolished by positive law, or have fallen into desuetude from changes in the state of society which have rendered them use-

less. Grants of property to the Church were attended with the condition, generally expressed, but always implied, of application in some shape or other to the service of the Church. The mode of this application has varied, but the obligation is permanent. That it has been so considered, both by the Crown and the Legislature, is evident by the detail which has been entered into, and particularly by what passed in the reign of Charles the Second, under the auspices of persons whose regard for the interests of the Church formed a most conspicuous feature in their character. Zealous as they were, to a degree even of intolerance and bigotry, for the unity and the splendour of our ecclesiastical establishment, they felt that there were parts of it which were more directly and more evidently conducive to the public good than others. Anxious for the preservation of those institutions which contributed to its dignity and security, they thought they best provided for that purpose, by making those very institutions instrumental in the support of the lower, but not less important part of the fabric; and they advised the exertion of what was then an unquestioned part of the prerogative, to recal the dignitaries of the church to the discharge of a duty, which had either been forgotten or neglected.

In imitating their example we are following the most cautious guides; and no statesman or prelate of the present day need fear the imputation of lukewarm attachment, much less of enmity, to the Church, when the shaft which is aimed at him must first be directed against Clarendon, Juxon, and Sheldon.

If the facts and arguments which have been stated should be thought worthy of attention, your next inquiry will naturally be, What is the extent of the benefit proposed to be derived to the parochial clergy, by providing in part for their maintenance out of ecclesiastical impropriations; and how far this measure would relieve the public revenue from a part of the proposed burthen?

The question is certainly important: but there are, unfortunately, no materials from which any correct answer can be drawn. I have endeavoured, however, to extract from the last edition of the Liber Regis, which professes to give the names of the proprietors as well as patrons of all benefices, an account of those benefices of which either the Bishops, or the Chapters and Collegiate Bodies, including Christ Church and Eton, or any dignitaries of the church, are proprietors. This book is, indeed, said to be inaccurate; and no great reliance can therefore be placed upon any

part of it, which does not rest upon the original document. It appears, also, in a great number of instances, that Bishops and Chapters are only stated to be patrons in cases where the impropriations have belonged to monasteries, the property of which, upon their dissolution, became the endowment of newly-erected sees and chapters. In these cases, it is probable that these sees and chapters acquired the great tithes of many of those vicarages of which they are only stated to be patrons. It is known, also, that, in consequence of an Act of Queen Elizabeth, many bishoprics were compelled to take impropriations in exchange for lands and manors. This was particularly the case with the Archbishopric of York: and yet, in the Liber Regis there appear only three vicarages in the whole diocese of which the Archbishop is stated to be proprietor as well as patron. The number, therefore, of impropriations in ecclesiastical hands, as taken from the Liber Regis, is probably below the truth. But against these omissions are to be set such impropriations as may have been inserted upon insufficient information, and such also as have been sold to purchase the land-tax. The numbers, also, have been collected by a very hasty enumeration; and I do not doubt that a more careful review

of the book from whence they are taken, would discover considerable errors in every diocese. The general result, however, may be considered as an approximation to the truth; and will leave no doubt in your mind, that the object is of sufficient magnitude to deserve attention.

The vicarages and curacies (including a few rectories) of which Bishops, Chapters, or dignitaries appear to be proprietors (by which word I understand impropriators), are, according to this enumeration, confessedly inaccurate, nearly as follows:

Archbishops and Bishops, about	150
Chapters and Collegiate bodies (not including Col-	0-30
leges), about	390
Dignitaries, about	.340 /
The transfer of the state of th	880

When the names of the benefices under 150l. per annum are before the public, it will be easy to ascertain, by a comparison of that account with the Liber Regis, what proportion of the benefices, of which the impropriations are in ecclesiastical hands, is included in that list. It may be presumed that by far the greatest part of them will be found to be so included; and it will then be evident how large is the number of benefices which must be condemned to perpetual poverty, unless relieved, either by

the liberality of Parliament, or by the exertion of a power, which, though now long dormant, was called into exercise in the reign of Charles the Second, by the warmest friends of the Church.

I will not add to the length of this letter, by discussing the various modes in which the principle, then revived, might best be carried into effect. Its application certainly cannot be universal; as it would in many cases diminish incomes which lat present require increase. Its application ought, in my opinion, to be confined to future possessors. The benefit to be derived from it would therefore not be immediate. But every plan for the improvement of the situation of the poorer clergy, must necessarily be gradual in its operation; and we may as well be contented to wait for the expiration of terms of years, or the falling-in of lives, as we must unavoidably wait for the succession of years, in which we may hope to raise poor livings to a decent maintenance by the annual grants of Parliament.

If the principle be admitted, I am perfectly satisfied that no insuperable difficulty will be found in the detail. Of the admission of the principle, if my view of the subject be correct, I entertain little doubt: but I have no such confidence in the correctness of that view, as

not to feel extremely anxious that it should undergo the severest examination, from those who are much better qualified to form opinions upon such a subject.

Should the proposed measure, after such an examination, appear to be grounded upon principles which lead to any levelling system, or to any attack upon the property of the Church; or even to be so far connected with such principles, as to incur any reasonable apprehension of facilitating their adoption; no man will be more willing to abandon it than myself. But if, on the other hand, it should appear, upon a careful review both of the argument and of the history of the church, that the proposed measure has no connection with such principles, and that its foundation rests upon acknowledged law, and upon the practice of the best times; I trust that no loose and general imputations of innovation will induce you to dismiss it from your thoughts without a full and attentive consideration.

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